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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,778	03/14/2002	James P. Allen	AUS920010985US1	4839

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DILLON & YUDELL LLP  
8911 NORTH CAPITAL OF TEXAS HWY  
SUITE 2110  
AUSTIN, TX 78759

EXAMINER
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AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/099,778	ALLEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is in response to Amendment "A" filed 09 September 2005.
2. Claims 1-8, 10-17, and 19-26 remain pending.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 10-14, and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott (U.S. 6,195,706), hereinafter referred to as Scott.
5. Regarding claims 1, 10, and 19, Scott discloses the method comprising:  
during the concurrent sessions, receiving session feedback relating to one or more of the concurrent sessions from one of the at least one initiator node or the target node (col. 5, lines 8-20); and

Responsive to the received session feedback:

Replacing the network target address associated with the target node with a different network target address (col. 5, lines 27-34); and

Issuing a target rediscovery message to the at least one initiator node, wherein the target rediscovery message directs the at least one initiator node to rediscover available target nodes utilizing target discovery domain information (col. 5, lines 39-42, col. 7, lines 40-48, and col. 8, lines 3-24).

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6. Regarding claims 2, 11, and 20, Scott discloses the method further comprising, responsive to the received session feedback, terminating the concurrent sessions (col. 7, lines 13-20).

7. Regarding claims 3, 12, and 21, Scott discloses the method wherein the target node is a data storage resource that received and executes commands from the at least one initiator during the concurrent sessions (col. 7, lines 13-20).

8. Regarding claims 4, 13, and 22, Scott discloses the method wherein said replacing the associated network target address comprises:

issuing an address change instruction to a target network adapter at which the concurrent sessions are connected at the associated network target address, wherein said address change instruction directs the target network adapter to bind itself to the different network target address (col. 7, lines 34-39); and

associating the target node with the replacement network target address (col. 8, lines 3-24).

9. Regarding claims 5, 14, and 23, Scott discloses wherein the received session feedback comprises a rediscovery request (col. 8, lines 3-24).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6, 15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Mellquist (U.S. 6,115,545).

12. Regarding claims 6, 15, and 24, Scott discloses the method of receiving a session message (col. 5, lines 8-20), but is silent on the use of the Simple Network Management Protocol (SNMP). However, in related art, Mellquist discloses a method of assigning addresses to network devices in an internet protocol environment by using an alternative method of utilizing SNMP (col. 3, lines 30-41). One of ordinary skill in the art at the time of the applicant's invention would have recognized the use of SNMP when sending and receiving messages as utilized by Mellquist and would find it to their advantage of utilizing SNMP in similar fashion in combination with Scott. One of ordinary skill in the art would have been motivated to make such combination in order to efficiently obtain unused network addresses (see Mellquist, col. 3, lines 36-40).

13. Claims 7, 8, 16, 17, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Leighton et al. (U.S. 6,108,703), hereinafter referred to as Leighton.

14. Regarding claim 7, 8, 16, 17, 25, and 26, Scott disclosed the invention as mentioned above including replacing the original network address with a replacement address (col. 8, lines 3-24) and issuing target rediscovery requests (col. 8, lines 3-24), but is silent on the use of session metrics and determining if the metric is within predetermined thresholds, the threshold being a quality of service metric being one of average transmission rate, maximum transmission rate, minimum transmission rate, transmission error rate, and network node delay . However in related art, Leighton

discloses specifying thresholds for a server when administering to a client, wherein when the threshold is exceeded, the server may redirect the client (see Leighton, col. 13, lines 12-25). One of ordinary skill in the art at the of the applicant's invention would have found it to their advantage to implement the method of redirecting a client when a threshold is exceeded as disclosed by Leighton in combination with the target rediscovery and network address reassignment method disclosed by Scott. One of ordinary skill in the art would have been motivated to make such a combination in order to keep the amount of traffic balanced and keep certain clients within certain specified limits (see Leighton, col. 13, lines 12-15).

#### ***Response to Arguments***

15. Applicant's arguments filed 09 September 2005 have been fully considered but they are not persuasive.

16. In response to applicant's arguments, the recitation "method or system for allocating target resources using address switching and target rediscovery" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

17. Applicant argues: Scott does not disclose "replacing the network target address associated with a target node with a different network target address in response to a received session message."

18. As to point (A), the Examiner disagrees. Scott discloses the ability to locate new targets based on methods of target rediscovery. It is through target rediscovery that new targets are discovered. When a new target is discovered, the new target will inherently have a new address. Hence, when a new target node is being used, it is deemed obvious that a different network target address will be used. An entity will only perform actions if instructed to do so, therefore the use of a session message is merely an example of a way to prompt an entity to replace an address with a new address. Scott discloses extensively techniques of discovering new targets in column 7, line 33 – col. 8, line 42.

19. (B) Applicant argues: Scott fails to disclose or suggest "issuing a target rediscovery message to the at least one initiator node..."

20. As to point (B), the Examiner disagrees. Scott discloses in column 8, lines 3-43 the use of target rediscovery. Scott, clearly at minimum, suggests the idea to use messaging when conducting target rediscovery methods by using soliciting messages to find new targets and obtain new target network addresses.

**Conclusion**

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crump et al. (U.S. 6,892,245 B1) disclose a management information base for a multi-domain network address translator.

Tominaga et al. (U.S. 2005/0108432 A1) disclose an automatic address management method.

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

*Beatriz Prieto*  
**BEATRIZ PRIETO**  
**PRIMARY EXAMINER**